

REMARKS

Section 102(b) Rejection

Claims 1 and 2 stand rejected as anticipated by Maihofer, U.S. Patent No. 5,823,340.

This rejection is respectfully traversed. Maihofer discloses a waste container having a body and a lid, wherein the lid comprises a generally convex panel with a mating channel disposed below the panel for accepting an upper chime of the drum body. The mating channel of the lid is disclosed as having a radius greater than that of the upper chime. (Col. 5, ll. 22-24.)

Accordingly, when the lid is placed over the drum, the lid will sit in a loose fashion, and no sealing will occur until once the ring is placed over the two outer flanges.

By contrast, in Claim 1, as amended, the mating channel is disposed above the panel comprising the drum lid, and the radius of the mating channel is matched to the radius of the upper chime. As a result, one of ordinary skill in the art will understand that when the lid is “fitted” over the drum, as claimed, a secure contact is created between the drum and the lid, which is enhanced as the lockband is tightened in order to form a seal.

Claim 2 is dependent on Claim 1 and is not anticipated, therefore, for the same reasons as Claim 1 is not anticipated.

Section 103 Rejections

Claims 3 and 4 stand rejected as unpatentable over Maihofer in view of Cramer et al. and Maihofer alone, respectively. However, Claims 3 and 4 are both dependent on Claim 1, and these claims are therefore not unpatentable for the reasons set forth above.

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With foregoing amendments and remarks, it is believed that this case is now in condition for allowance, and early notification to that effect is earnestly solicited.

The Commissioner is hereby authorized to charge to Deposit Account No. 22-0585 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account.

Respectfully submitted,

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